

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92287

Hanne MULLER, et al.

Appln. No.: 10/563,110

Group Art Unit: 1617

Confirmation No.: 1130

Examiner: Timothy E. Betton

Filed: June 19, 2006

For: Fats and oils

SUBMISSION OF EXECUTED DECLARATION UNDER 37 C.F.R. §1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action mailed on October 18, 2010, Applicants filed a Request for Continued Examination (RCE) and Amendment Under 37 C.F.R. § 1.114(c) on October 22, 2010.

Additionally, within the RCE, Applicants requested a limited three-month Suspension of Action in order to prepare a Declaration Under 37 C.F.R. § 1.132 in support of Applicants' position regarding the patentability of the above-noted application. The limited three-month Suspension of Action was approved by the Office on January 13, 2011.

Accordingly, in support of Applicants' Amendment Under 37 C.F.R. § 1.114(c) filed on October 22, 2010, and as a means to further support and supplement Applicants' position that the present claims are not rendered obvious by any of the cited prior art of Yazawa, Sanigorski,

SUBMISSION OF DECLARATION UNDER 37 C.F.R. § 1.132
US Appl. No. 10/563,110

Lang, Makula, and Koffas, Applicants submit a copy of an executed Declaration Under 37 C.F.R. § 1.132 signed by one of the inventors of the above-noted application, Anders Skrede.

Applicants respectfully submit that the enclosed Declaration is evidence that the teachings at the time the above-noted application was filed were such that administration of saturated or monounsaturated fatty acids was generally believed to increase cholesterol levels.

Thus, Applicants submit that one skilled in the art at the time the present application was filed would not have been motivated to combine or modify the teachings of cited prior art to produce the claimed invention. At the minimum, Applicants submit that the enclosed Declaration suggests that the properties exhibited by the presently claimed composition are unexpected, particularly in view of the teachings of the art.

Ultimately, in view of the cumulative evidence supplied in Applicants' previous Amendment Under 37 C.F.R. § 1.114(c) and Declaration Under 37 C.F.R. § 1.132 enclosed herein, Applicants respectfully request withdrawal of the rejection of claims 18, 21, 24, 27, 33, 36-38, and 44 under 35 U.S.C. § 103(a) over Lang, Sanigorski, and Yazawa in view of Makula and Koffas.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

SUBMISSION OF DECLARATION UNDER 37 C.F.R. § 1.132
US Appl. No. 10/563,110

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 20, 2011



Martin D. Ostrowski
Registration No. 66,828